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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,646

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Mitsunobu Suda

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07/15/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,646	Applicant(s) SUDA, MITSUNOBU	
	Examiner LEO T. HINZE	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 16-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 and 21-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090317</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 April 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 29 April 2009 have been fully considered but they are not persuasive.

a. Applicant argues on pp. 7-8 that Hiraga fails to teach a supporting case that is fixed in a main body case. The examiner disagrees, despite the discussion during the interview on 17 April 2009. The examiner's position is based on the limited recitation of structural features of both the supporting case and the main body case, coupled with the limited recitation of the structural and spatial relationship of the claimed supporting case and main body case, which limited recitations of features leads one to a broad interpretation of how the supporting case is "fixed in" the main body case. In addition, a more careful reading of Hiraga shows that Hiraga teaches a casing (1, Figs. 1-3) and a separate cover (3, Figs 1-3), the cover "vertically slidably mounted on the casing (1) at its central portion to conceal belt feed wheels" (col. 2, ll. 36-37). While the clarity of the

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drawings of Hiraga may be lacking, particularly with regard to which components are the casing and the cover, this passage in the written description appears to teach that the printing belts of Hiraga are contained within the casing, which is then “fixed in” a cover. That is, as the cover 3 slides on the casing 1, it appears that at least some portion of the case 1 is slidably fixed in the cover 3. This would appear to teach the limitation recited in claim 12 of the instant application, “a supporting case fixed in a main body case, the supporting case having a movable print body disposed therein” as discussed in the rejection of claim 12 below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraga et al., US 4,970,952 A (hereinafter Hiraga) in view of Bengtsson, US 4,858,526 A (hereinafter Bengtsson) and Machinery's Handbook, 26th Edition.

a. Regarding claim 12:

Hiraga teaches a stamp comprising: a first face (25, Fig. 2); a second print face for forming a print image on said stamping object by synthesizing with the print image of said first print face (10, Fig. 2); and a damper member that presses said first print face so that said first print face in a stamping direction is projected more than said second

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print face in the stamping direction with elasticity at the time of no stamping and is compressed so that said first print face and said second print face are matched with each other with a reaction force applied to said first print face from said stamping object at the time of stamping (damper member 25a keeps the first face proud of the second until compressed, when first and second faces are even and second face produces a print, Fig. 2); and a supporting case (1, Fig. 2) fixed in a main body case (3, Fig. 2), the supporting case having a movable print body disposed therein (10, Fig. 2), wherein said supporting case has a collar having a plane parallel to a direction perpendicular to the stamping direction at a portion that said damper member makes contact with (see unlabeled collar on item 1 that contacts the upper portion of spring 25a, Figs. 1 and 2).

Hiraga does not teach wherein the first face is a first print face for forming a print image on a stamping object; an entire mating surface of the damper member mates with a planar mating surface of the collar. The ends of the spring 25a appear to be unground.

Bengtsson teaches a first print face for forming a print image on a stamping object (3, Fig. 6); a second print face for forming a print image on said stamping object by synthesizing with the print image of said first print face (20, Fig. 3); and wherein said first print face and said second print face are matched with each other at the time of stamping (both faces stamp an image on the substrate, col. 2, ll. 44-48). The first print face is advantageous for printing the name of a company or the designation of a place (col. 2, ll. 45-46), and the second for printing a date (col. 2, l. 48).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga such that the first face is a first print face for forming a print image, as taught by Bengtsson, because one having ordinary skill in the art would recognize that this combination would predictably allow the device of Hiraga to print additional information, such as the name of a company or the designation of a place.

Machinery's Handbook teaches that it is well known in the art that compression springs may have either ground or unground ends (Fig. 12, p. 298), and that springs with ground ends are capable of standing upright (pp. 297-298).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga to use a spring with ground ends, because one having ordinary skill in the art would recognize that this substitution of elements well-known in the art would predictably provide a spring member with planar mating surfaces, thereby allowing the spring to stand on its own, and providing mating surface with greater contact area.

b. Regarding claim 13, the combination of Hiraga, Bengtsson, and Machinery's Handbook teaches the stamp according to claim 12, as discussed in the rejection of claim 12 above. The combination of Hiraga, Bengtsson, and Machinery's Handbook also teaches wherein a length over which said damper member is capable of stretching in the stamping direction when not compressed is larger than a length over which said first print face is projected with respect to said second print face at the time of no stamping (Hiraga: the spring 25a, when not compressed, extends first face 25 beyond

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second face 10, and when compressed, allows second face 10 to be even with first face 25, Fig. 2; col.3, ll. 40-50).

c. Regarding claims 14 and 19, the combination of Hiraga, Bengtsson, and Machinery's Handbook teaches the stamp according to claims 13 and 12, respectively, as discussed in the rejection of claims 13 and 12 above. The combination of Hiraga, Bengtsson, and Machinery's Handbook also teaches a movable print body fixed on a main body case and in which a plurality of said second print faces are provided protrudedly along the outside face of a belt supported movably (Hiraga: 10, Fig. 2); and a fixed print body provided movably in the stamping direction with respect to the main body case (Bengtsson, 3, Fig. 1), having an exposure hole (Hiraga: 25b, Fig. 2) for exposing one of said second print faces of said movable print body out of the main body case and having said first print face for forming a single print image by synthesizing with a print image of said second print face exposed from the exposure hole, wherein said damper member is provided between said movable print body and said fixed print body such that it always keeps contact therewith (Hiraga: damper 25a is between first face 25 and movable print body 10, Fig. 2).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
13 July 2009

/Jill E. Culler/
Primary Examiner, Art Unit 2854